

FBI

December 6, 1963

Mr. J. E. Curry
Chief of Police
Dallas, Texas

Sir:

The subject of this letter is to inform you of an interview/interrogation conducted by two FBI agents involving my acquaintance with Jack Leon Ruby (Rubenstein). This interview took place in the Identification Bureau from about 3:50 pm until about 5:15 pm. It also involved the agents and myself going to the Records Bureau, and the Jail Office. The agents showed me their identification. I did not think to copy their names on paper, but I believe one was named "Canady" and the other "Carlton." I called the FBI office and tried to determine their names in full, later. I was told they were not in at that time, but would be back in the morning. I do remember that they said they were called in from the San Antonio Office. I can describe them as follows:

#1 About 5-9, Red-brown hair, blue eyes, fair complexion, medium build, about 45 years old. Said he was born in South Carolina.

#2 About 5-10, balding grey-brown hair, brown eyes, medium-heavy build, about 50 years old. Appeared to be the senior agent, by his conduct.

They began the interview by informing me that I did not have to answer any of their questions, and that my answers were subject to review for veracity.

We went to the I. D. dark room for the interview. They told me that they were investigating Jack Ruby, and were speaking to several officers about the man. Then they read me a statement alleged to have been taken from the Dallas County District Attorney's files pertaining to an arrest I made of Jack Ruby in December, 1954, for a liquor law violation. In the alleged statement, they stated the case was dismissed against Ruby by Mr. Lem Brotherton as the result of statements by the arresting officers, Plankenship and Carlson, because the officers were unable to state that they definitely saw a patron consuming from a partly consumed bottle of beer on her table in the case mentioned. The case involved permitting consumption on licensed premises after hours, that is at 1:30 am on a Sunday morning. They asked me if I recall making this statement to Mr. Brotherton. I stated I did not recall making the statement. They also alleged that the statement by Mr. Brotherton showed that the officers stated they did not even know a case had been filed. They asked me if this was true. I stated I could not recall having made this statement. I then advised them that we should look at the case report, wherein I should be able to tell them if I typed the report, because I believe I could recognize my own typine, because of certain peculiarities in the form and language, which I could possibly identify as my own. I left them in the dark room, and got the jacket. As I started back to the dark room, I asked Lt. Knight if he knew I was being interrogated by the F. B. I. I then told him they were asking me about Jack Ruby, and I asked him if I was authorized to make any statements. Lt. Knight informed me that I was to cooperate with them, but not to give them anything from our files, unless I got permission from the Chief's office.

I went back into the dark room and showed them the case report, and identified it tentatively as my typing, from certain peculiarities, which I pointed out. They asked me again if I was instrumental in any way in having the case dismissed along lines indicated by the alleged statements of Mr. Protherton. I again informed them that I did not recall any such conversation with Mr. Protherton in the manner outlined by them. They asked me then if there was any way a case could have been filed against my wishes. I told them, "No, not likely". I did inform them that on the face of the case report it indicated that the report was filed by a "Johnson" with an "Andrews." I elaborated on this and suggested this was probably Sgt. E. T. Johnson, who was working in the Vice Squad at this time as I recalled. I explained to them about the procedure of another officer frequently filing cases by appearing at the D. A.'s office to sign the Information and the Complaint for the officer who makes the case report; and that the authority to sign the Information was based on the officer's case report, in which he alleges the nature of the violation as he observed it, and made the arrest. They then asked me if Mr. Protherton's statement as they reported it to me as a "falsehood." I stated again that I could not say Mr. Protherton's statement as they reported it was false, that Mr. Blankenship may have conversed with Mr. Protherton, or possibly I did, and when asked specifically if such or such was the case regarding the evidence, he or I, or both of us may have made a statement which made the case appear to him to be unsuitable for prosecution. I stated that in any case the decision whether or not to try a case was up to the D. A. and not the Police Department, and in no way would this officer or Mr. Blankenship recommend dismissal of any case for some point of evidence, or for any point without referring the matter to our superior for him to handle. I told them a more

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detailed study of the whole case would have to be made by referring to the Records Bureau, to make a determination as to whether or not the alleged consumer was arrested or not. If the consumer was not arrested, which could have been the case, then a study of the SSB files would be necessary to determine if an affidavit was taken from the consumer in which it would be demonstrated she admitted consuming beer on the premises in violation of the law. I also pointed out that the charged alleged on the case report referred to the Criminal Code, which we would have to look up to be certain this was what Ruby was actually charged with, as it appeared on the surface.

We went to the Records Bureau and checked the files there on the names of the two alleged witnesses which appeared on the arrest report, which they showed me they had a copy of in their possession. A check of the Records Bureau files showed nothing on the two girls, named Schultz and O'Brien. I then took them to the Jail Office, where I obtained the Jail Copy of Vernon's Statutes. I looked up the specific code with which Ruby was charged, Section IV article 667-19, paragraph 16. It is the "catch-all" code in the malt liquor section, in which it states the licensee can be charged for violating any section of the Liquor Law, including Liquor Board regulations. They copied the information from the book. They asked me if there was a possibility that this could have led to the dismissal of the case, because of insufficient information or evidence. I told them I would not presume to state the fine legal points involved, and that this was the proper duty of the D. A.'s office. I stated that it appeared to me that one or both of us (Flankenship and I) observed the beer on the table at 1:30 am on a Sunday morning, which as I understood the law, was a violation

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of the Liquor Law. I stated that it was possible Blankenship saw the girl consuming, or holding the glass to her lips, with beer in it, but in any case the act alleged to have been a violation appeared to me to be covered by the particular statute, or at least we must have thought so at the time, or we would have never made the arrest.

I then had made a copy of the case report in the Records Bureau for the agents. We returned to the U. D. Bureau. They had asked me before, and while conducting our tour, about how well I knew Jack Ruby. I told them he and I have known each other since I first met him while I first was assigned to the Vice Squad in early 1954. They asked me how I met him. I told them to the best of my recollection Mr. Blankenship introduced me to him during the course of a routine check of Jack Ruby's premises, either at the Silver Club or the Club Vegas. They questioned me about the degree of friendship I had with him, and whether or not I accepted anything from him. I suppose they were referring to whether or not I was "free-loading" on Ruby. I asked them if this is what they meant. They gave me the impression that this was exactly what they meant. I then told them I would have to tell them in detail about my relationship with Ruby, including my activities centered around him. I explained to them that I did not cultivate his friendship, and that the record clearly reflects I arrested him when I believed he had violated the law, and that I never led Ruby to assume that I would not do otherwise, if I caught him in violation. I pointed out to them that I liked Ruby for subjective reasons. I told them that I checked his record carefully after the reports from the FBI and FPS reached this department resulting from our arrest of him. I saw, and demonstrated, where Ruby had no prior criminal

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record as of the time I arrested him. I explained this satisfied me that he was not a criminal as the record reflected. I told them that I dropped in on Ruby on official business, as part of routine Vice Squad checks of his premises, and I occasionally dropped by his place and drank a beer. I also stated that when I was not on duty, or there to talk to Jack on official business, I visited Ruby, and he would not allow me to pay for my beer, which amounted to one or two at most. I explained that I would have offered Jack Ruby the same courtesy if he were a guest in my home, which he never was, but which I would have not objected to if he was. I told them they could draw their own conclusions as to my relationship with Ruby. I cited that Ruby's subsequent arrests for a misdemeanor or two was not sufficient for me to break all association with the man, the same as it would be for any other of my friends or acquaintances. They asked me if I over paid the cover charge while I was a guest of Jack Ruby in his establishment. I stated I did not pay a cover charge to visit with Jack Ruby, but as I indicated I considered it a social affair. I was not interested in the show as much as I was in visiting Ruby. I further amplified the situation by informing them that one night while Blankenship and I were making a routine check of the Silver Club on So. Ervay a fight broke out in the joint, which Jack helped us to quell, and which could have been serious to us because the participants attempted to attack us with beer bottles. I felt a sense of gratitude for Ruby's help.

They asked me how many times I had visited Ruby. I told them about two or three in all in the past five or more years. They asked me when the last time was. I told them about two weeks before the Oswald incident. They

requested I tell them what I did and observed. I told them I took a friend of mine to the Carousel on a Saturday night about 11:30 pm, after I got off duty, where I wanted to introduce him to Ruby, and for us to drink a beer. When I got there I asked for Jack, and identified myself as an old friend, and a police officer. The doorman told me to pass with my guest, and that Jack was in the back. We went to the back and found Jack talking to some of his employees. I introduced my friend to Jack. Jack, in his customary manner, was in a hurry to go eat, and apologized for having to leave. He stated he hadn't eaten all day, and wanted to eat before it was too late. He took us out to the club area, and instructed a waitress to seat us at a table and get us what we wanted. "These guys are my guests." Jack apologized again and left. My friend and I sat down, drank two beers each, watched the show and left when Jack did not come back by this time. I wanted to introduce Jack to my friend because he is a professor of psychology, and I thought he would be interested in Jack's personality, which has always interested me. The agents told me it was necessary to identify the friend, which I did. He is Mr. Lewis Penney, instructor of Psychology at North Texas State University, the son of the professor in charge of the department, Dr. Merle Penney. We had been discussing certain personality types previously, and I invited him to Dallas to observe the workings of our department, and to meet certain people I knew who I felt illustrated a certain type of personality. Jack Ruby was one of these people. I had not seen Jack for a year prior to this night. We left the Carousel and went to other places until closing time. Then we went to the El Fenix on Mc Kinney and sat with Al Martinez until three in the morning (Sunday). We discussed the people we met, and the nature of their behavior. Lewis had to drive back to Denton, so I led him to the route back, then went home.

The agents asked some more questions about Ruby's personality. I told them I

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considered him very interesting, and very unique. They asked me if I believed he was mentally ill. I told them I had made no observations which would lead me to this conclusion, but that I felt he was very aggressive, and not to become detailed, very interesting as a study. They asked me about his aggressiveness, and I told them the record of his fighting ability spoke for itself. They said something about or relating to Jack that led to a conversation in which I told them I investigated Jack Ruby from the aspect of whether or not he was a homosexual, and I had in fact discussed this subject directly with Jack Ruby, after I ran down all the leads on this subject I could get. I did this as a last resort to satisfy my mind, and to observe his reaction to my question. I came away reasonably certain that Jack Ruby was not a homosexual, as could be determined by my investigation, and in lieu of any other evidence.

The agents then changed the subject to the security measures around the department during Oswald's presence, and more specifically while he was being transferred. They asked me I believed an officer had passed Jack into the building. I told them it was not in my power to even speculate on this subject. They asked me where I was when the Oswald-Ruby incident took place. I told them I was at home, and heard it on the news. Later, at three o'clock, I reported on duty. They asked me more questions about security measures. I told them that this building is a public building, freely accessible to the public, and that I had no knowledge of what the orders to the officers assigned to secure the building were. They then asked me, "If the orders were to prevent entrance" or words to this effect, did I know of any officer who would allow Ruby to enter. I told them this was not in my power to answer, but that I believe no officer would knowingly violate this order. Then I expressed displeasure at this line of questioning. I felt it was out of order, and in any case beyond my knowledge to answer.

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The agent described as number two, made an apology for having to ask this and certain other questions, but stated he was asking all the officers he interviewed the same questions, and considering the seriousness of the matter felt it was a necessary duty, etc. Then I was asked if I knew of any other officers friendly, or acquainted with Jack Ruby. I told them I refuse to answer this question. I told them I would answer any question they asked me pertaining to me, and to incidents involving people I was with, but that I would not tell them of any other officer I may have been talking to Ruby, in the light of the question as it was presented. I told them if in any case I had the remotest suspicion naming anyone would be vitally important to helping them, then I would not hesitate to name the individual. But, to infer a relationship based on a chance observation would be improper for me. I could state that Jack was known by many officers here, and to name some and not name others would be unfair, to say the least, not only to confounding the investigation, but to the officers concerned, whose duty is to come forward if they have any information to give to the FBI, but not to be named just because I happened to remember seeing them in Ruby's presence. They restated the question, but it was essentially in the same frame of reference. I told them I would tell them anything about myself and Jack Ruby, and would have to refer them elsewhere about others, but in any case declined to answer in any manner, since I feel it is the duty of the other officers to present themselves for questioning if a request is made by the FBI.

They asked me, or a conversation was started about the general picture as it stood with Ruby's act, and how it fouled the investigation of Oswald. I told them I agreed that Ruby's act was very detrimental to the proper investigation of Oswald, and for that I condemn Ruby. I also asked them if they suspected any connection, or conspiracy involving Ruby that would make it a much more

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matter. They did not commit themselves to any answer, but restated that they had to investigate from all angles. They asked me if there was anything about the investigation that I observed and wished to comment about. I told them I was interested in the subject of how advisable a polygraph test on Ruby would be to determine whether or not he was part of a conspiracy, or acted on his own disordered impulses. I told them I was very much interested in making this determination for my own satisfaction, since I had never heard Jack Ruby discuss politics, or any subject of a deeper nature than something trivial, and if he was a part of some sinister background it was professionally interesting to me to learn, since I would have misjudged Ruby's character, and I needed to learn about these things.

As they finished up taking notes, and were preparing to leave, I apologized for not being able to recall more facts about the arrest I made of Ruby, and the outcome of the case we filed against him. I also apologized for not feeling it proper to answer the one question I refused to even comment on. They stated they were satisfied at this time. I told them I would not normally allow myself to be questioned this way, referring to my belief that a supervisor should be present to hear the interrogation. They misinterpreted my statement, and took it to mean that I would not be absolutely frank with them. I clarified myself to the extent that I stated I felt uneasy about this type of interview since a matter as grave as this made it important to me to respond carefully, but in any case truthfully. I meant as I stated above, that I feel in the future some Police Department supervisor should be present as a witness not only to what I say, but as to the questions and statements of the agents.

I respectfully request for an order to insist that in the future, if I am to be interviewed in this or any other matter by any outside agency I proceed with

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the investigators to the Chief's office for a proper and respectful review of procedures to be used, and Police Department officials to be present during the interview. It was with this view in mind that I reported to Chief Lumpkin what had transpired. He ordered me to make this report immediately.

There were other things said, by the agents, which I cannot recall in detail at this time. There were other questions. I asked them as they were leaving if anything was said that was contradictory to please contact me for clarification, since I did not completely trust my memory on some of the matters.

Respectfully submitted,

E E CARROLL